

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

GREGORY THOMPSON)	
)	
Plaintiff,)	
)	CASE NO. 1:09-CV-1113
v.)	
)	
WACKENHUT SERVICES, INC.)	
)	
Defendant.)	

ORDER

THIS Matter is before the Court on Plaintiff Gregory Thompson's Motion to Strike Defendant Wackenhut Services, Inc.'s Motion for Summary Judgment and Defendant's Motion Nunc Pro Tunc to File [its] September 24, 2010 Motion for Summary Judgment.

At the June 16, 2010 pre-trial conference in the above-captioned action, the Court scheduled a summary judgment hearing for October 8, 2010. The Court ordered the parties to file "[a]ll the briefs, including reply briefs," by September 27, 2010. (Pretrial Conference Hr'g Tr. 6:13-6:18.) Defendant's counsel confirmed that the Court wanted the motions, rebuttal, and replies by September 27, 2010. (Id. at 6:19-6:22.) On September 24, 2010, Defendant filed its Motion for Summary Judgment.

The Court holds that Defendant's Motion for Summary Judgment is untimely because the Court required the parties to

file all briefs, including opposition and reply briefs, by September 27, 2010. Local Rule 7(F)(1) allows an opposing party 11 days after service of a motion to respond and then provides the moving party a chance to reply within 3 days of service of the opposition brief. By filing its Motion for Summary Judgment on September 24, 2010, Defendants failed to comply with the Court's scheduling order because it did not allow sufficient time for the remaining briefs to be filed pursuant to Local Rule 7(F)(1) and the Court's ordered deadline of September 27, 2010. Accordingly, it is hereby

ORDERED that Plaintiff's Motion to Strike is GRANTED, Defendant's Motion Nunc Pro Tunc to File its Motion for Summary Judgment is DENIED, and Defendant's Motion for Summary Judgment is DENIED as untimely filed.

The Clerk is directed to forward a copy of this Order to counsel of record.

ENTERED this 5th day of October, 2010.

/s/
Gerald Bruce Lee
United States District Judge
Gerald Bruce Lee
United States District Judge

Alexandria, Virginia
10/5/2010